

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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FEB 26 2008

ROBERT H. SAWYER, CLERK
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

United States of America

v.

Damiana T. Heard

Date of Previous Judgment: April 18, 2002
(Use Date of Last Amended Judgment if Applicable)

)
)
) Case No: CR 01-50070-11
) USM No: 11045-035
) Betty Marak
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 96 months **is reduced to** time served.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>35</u>	Amended Offense Level: <u>33</u>
Criminal History Category: <u>II</u>	Criminal History Category: <u>II</u>
Previous Guideline Range: <u>188</u> to <u>235</u> months	Amended Guideline Range: <u>151</u> to <u>188</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 04/18/02 shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/26/08

[Signature]
Judge's signature

Effective Date: March 3, 2008
(if different from order date)

Donald E. Walter, United States District Judge
Printed name and title